



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 411 South, State Capitol
Madison, Wisconsin

January 30, 2002
8:30 a.m. - 10:15 a.m.

[The following is a summary of the January 30, 2002 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2000studies.htm>.]

Call to Order and Roll Call

Co-Chair Risser called the meeting to order. He deferred calling the roll and approving the minutes until a quorum was present.

He then gave a brief report on the status of the Joint Legislative Council's study committee work, stating that with the completion of today's meeting, all of this interim's study committees will have reported.

He announced that at the next meeting of the Council, February 13, we will hear from Dr. Harold Hodgkinson, Director of the Center for Demographic Policy, Institute for Education Leadership in Washington, D.C. The focus of his presentation will be how the demographic characteristics of Wisconsin will affect the issues the Legislature must address in the next five to 10 years. He said that Dr. Hodgkinson's remarks will complete the message the Council received from Dr. Sohn at the October meeting (our economy depends on people).

Co-Chair Risser pointed out that he and Representative Rhoades have sent each member of the Legislature a copy of an interim study nomination form seeking suggestions for this summer's study committees. He noted that the members will also find one of these forms at their places. He encouraged the Council members and fellow lawmakers to contemplate areas of need for study this year.

He told the Council that because of the tightly scheduled agenda, it would not be possible to accommodate any public appearances. Co-Chair Risser said that he had received many requests to do so

for this meeting. However, he reminded the members that if the bills are introduced by the Council, they will then follow the traditional process in the Legislature and that public hearings will be held on these bills in their assigned standing committees. Last, he mentioned that due to the lateness of this legislative session, if some bills do not advance in the process, the Council will consider reintroduction next year.

COMMITTEE MEMBERS
PRESENT: Sen. Fred A. Risser and Rep. Kitty Rhoades, Co-Chairs; Sens. James Baumgart, Charles Chvala, Alberta Darling, Richard Grobschmidt, Mary Panzer, Judy Robson, Robert Welch and David Zien; and Reps. Spencer Black, Peter Bock, John Gard, Gregory Huber, Scott R. Jensen, Michael Lehman, Lee Meyerhofer and Jeff Stone.

COMMITTEE MEMBERS
EXCUSED: Sens. Brian Burke and Gary George; and Reps. Steven Foti and Stephen Freese.

COUNCIL STAFF PRESENT: Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Shaun Haas, Joyce Kiel and Mark Patronskey, Senior Staff Attorneys; Rachel Letzing, Staff Attorney; David Lovell, Senior Analyst; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES: Sen. Jon Erpenbach and Rep. Tom Sykora, Co-Chairs, Special Committee on Condominium Law Review; Sen. James Baumgart and Rep. Scott Gunderson, Co-Chairs, Special Committee on Navigable Waters Recodification; and Rep. Terry Musser, Chair, Special Committee on State-Tribal Relations.

Approval of the Minutes of the Committee's June 27 and October 31, 2001 Meetings

It was moved by Rep. Lehman, seconded by Sen. Baumgart, that the minutes of the June 27 and October 31, 2001 meetings be approved. The motion was adopted by unanimous consent.

Consideration of 2000 Study Committee Reports:

Report of the Special Committee on Condominium Law Review

Senator Erpenbach and Representative Tom Sykora, Committee Co-Chairs, reported on the activities of the committee and described LRB-4299/1, relating to revisions and additions to the condominium law.

After a few questions from Council members, Co-Chair Risser commended the co-chairs of the Special Committee on Condominium Law on the work product of the committee.

After hearing no further discussion:

Co-Chair Rhoades moved, seconded by Rep. Huber, that LRB-4299/1, relating to revisions and additions to condominium law, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 14 (Sens. Risser, Baumgart, Darling, Grobschmidt, Panzer, Robson and Zien; and Reps. Rhoades, Bock, Gard, Huber, Lehman, Meyerhofer and Stone; Noes, 0; and Absent, 8 (Sens. Burke, Chvala, George and Welch; and Reps. Black, Foti, Freese and Jensen).

[Sens. Chvala and Welch; and Rep. Black asked that the record reflect that had they been present during the roll call, they would have voted in favor of introducing LRB-4299/1.]

Report of the Special Committee on Navigable Waters Recodification

Representative Gunderson and Senator Baumgart, Committee Co-Chairs, described WLC: 0243/1, relating to recodification of ch. 30, Stats. They thanked the Council for giving them the opportunity to work on improving this chapter of the statutes. They remarked how they came to the committee with different agendas and different concerns. By the end of the study each gave in a little and reached consensus on the bill draft before the Council today.

Senator Baumgart asked that the members support the bill in its current form. He said that the biggest issue was the definition of navigability. Some members wanted to change the definition and others didn't, and there was not a consensus to make the change. He added that a change to this definition might have been beyond the committee's charge.

Co-Chairs Risser and Rhoades both complimented the co-chairs on the hard work and excellent job they did. Co-Chair Risser then asked if there was any discussion on this proposal.

Council members expressed concern on several issues of the draft: the definition of public interest; how the draft affects the Department of Natural Resources' role in decision-making, both in the present and future; creating maps; dredging; and mooring.

After much continued discussion on these issues, Senator Baumgart and Representative Gunderson asked that the vote on this draft be deferred to a later meeting.

Co-Chairs Risser and Rhoades announced that because of the co-chairs' request, the Council would defer action on the proposed draft until the March 6 meeting.

Report of the Special Committee on State-Tribal Relations

Representative Musser, Committee Chair, presented five drafts recommended by the committee and noted that the drafts are described in Report No. 14 to the Council. He acknowledged three members of the committee in the audience, Theresa Puskarenko, Carol Brown Biermeier and Senator Breske.

After a brief discussion, Co-Chair Risser recommended that the five drafts be introduced *en masse*.

Co-Chair Rhoades moved, seconded by Sen. Panzer, that the following drafts be introduced by the Joint Legislative Council:

LRB-4263/1, relating to policy of executive branch consultation with tribal governments.

LRB-4264/1, relating to state recognition of the sovereign status of federally recognized American Indian tribes and bands.

LRB-4265/2, relating to creation of the Wisconsin Tribal-State Council and making an appropriation.

LRB-4266/2, relating to preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.

LRB-4441/1, relating to representations made regarding wild rice sold or offered for sale in this state.

The motion passed on a roll call vote as follows: Ayes, 14 (Sens. Risser, Baumgart, Darling, Grobschmidt, Panzer, Robson and Zien; and Reps. Rhoades, Black, Gard, Huber, Jensen, Meyerhofer and Stone; Noes, 0; and Absent, 8 (Sens. Burke, Chvala, George and Welch; and Reps. Bock, Foti, Freese and Lehman).

[Rep. Bock asked that the record reflect that had he been present during the roll call, he would have voted in favor of introducing the above drafts.]

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 10:15 a.m.

TCA:wu;ksm